

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BILLY RION,

Plaintiff,

vs.

No. CV 11-0269 JB/CG

BERNALILLO COUNTY SHERIFFS
A. MEDRANO, D. HIX, FNU SHARP,
FNU ERB, T. JAMES, FNU LNU,
unnamed MDC nurse 1, FNU LNU,
unnamed MDC nurse 2, FNU Langhi,

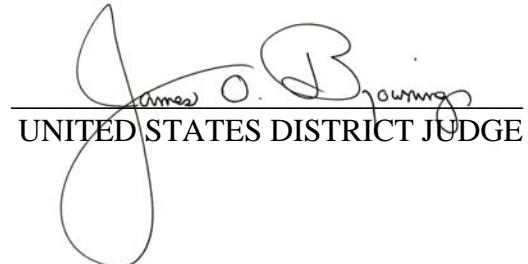
Defendants.

**ORDER ADOPTING PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on the United States Magistrate Judge's Proposed Findings and Recommended Disposition, filed April 13, 2012 (Doc. 34) ("PFRD"). The Honorable Carmen E. Garza, United States Magistrate Judge, notified the parties that objections were due within fourteen days of service of the PFRD and that failure to file objections would preclude appellate review. See PFRD at 7. In the PFRD, Judge Garza determined that Plaintiff Billy Rion had presented no evidence which demonstrates that he only recently discovered Officer C. Linehan's current place of employment and that Rion had not explained why he failed to respond to Judge Garza's order to show cause. See PFRD at 5. Because of that finding, Judge Garza recommended that the Motion to Proceed with Complaint, filed February 15, 2012 (Doc. 32), be denied. See PFRD at 7. Judge Garza also found that Rion had failed to comply with the Court's Order Dismissing Certain Claims and to Show Cause, filed February 6, 2012 (Doc. 30), such that the claims against Unnamed MDC Nurse 1 and Unnamed MDC Nurse 2 should be dismissed. See PFRD at 7. Neither party has filed objections, and the time for doing so has passed.

Accordingly, the Court will adopt the PFRD.

IT IS ORDERED that: (i) the Magistrate Judge's Proposed Findings and Recommended Disposition, filed April 13, 2012 (Doc. 34), is adopted; (ii) the Plaintiff's Motion to Proceed with Complaint as Filed, filed February 15, 2012 (Doc. 32), is denied; and (iii) Defendants "Unnamed MDC Nurse 1" and "Unnamed MDC Nurse 2" are hereby dismissed as Defendants in this case.



UNITED STATES DISTRICT JUDGE

Parties and Counsel:

Billy Rion
Lea County Correctional Facility
Hobbs, New Mexico

Plaintiff pro se

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Attorneys for Defendants Bernalillo County Sheriffs, A. Medrano, D. Hix, FNU Sharp, FNU ERB, T. James, and FNU Langhi